

**ASSEMBLY BILL**

**No. 1237**

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**Introduced by Assembly Member Leno**

February 22, 2005

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An act to amend Sections 12020 and 12650 of, and to add Section 12602 to, the Penal Code, relating to tasers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1237, as introduced, Leno. Tasers.

Existing law provides, subject to exceptions, that any person who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses certain specified weapons, is punishable by imprisonment in a county jail not exceeding one year or in the state prison. Existing law provides exceptions to those prohibitions for certain weapons for law enforcement agencies.

This bill would add tasers to the list of prohibited weapons. The bill would also include tasers within the excepted weapons for law enforcement. The bill would define “taser” for these purposes.

By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

Existing law authorizes peace officers and custodial officers to possess less lethal weapons and ammunition therefor.

This bill would require every law enforcement agency to report to the Department of Justice, specified information about the use of tasers by each agency. The bill would require the department to collect the data from law enforcement agencies and report specified matters to the Legislature no later than July 1, 2007.

By imposing additional duties on local law enforcement in connection with the use of tasers, this bill would impose a state-mandated local program.

Existing law defines “stun gun” for purposes of the offense of assault with a stun gun or taser.

This bill would also define “taser” for those purposes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 12020 of the Penal Code is amended to  
2 read:

3 12020. (a) Any person in this state who does any of the  
4 following is punishable by imprisonment in a county jail not  
5 exceeding one year or in the state prison:

6 (1) Manufactures or causes to be manufactured, imports into  
7 the state, keeps for sale, or offers or exposes for sale, or who  
8 gives, lends, or possesses any cane gun or wallet gun, any  
9 undetectable firearm, any firearm which is not immediately  
10 recognizable as a firearm, any camouflaging firearm container,  
11 any ammunition which contains or consists of any fléchette dart,  
12 any bullet containing or carrying an explosive agent, any ballistic  
13 knife, any multiburst trigger activator, any nunchaku, any  
14 short-barreled shotgun, any short-barreled rifle, any metal  
15 knuckles, any belt buckle knife, any leaded cane, any zip gun,  
16 any shuriken, any unconventional pistol, any lipstick case knife,  
17 any cane sword, any shobi-zue, any air gauge knife, any writing  
18 pen knife, any metal military practice handgrenade or metal  
19 replica handgrenade, *any taser*, or any instrument or weapon of

1 the kind commonly known as a blackjack, slungshot, billy,  
2 sandclub, sap, or sandbag.

3 (2) Commencing January 1, 2000, manufactures or causes to  
4 be manufactured, imports into the state, keeps for sale, or offers  
5 or exposes for sale, or who gives, or lends, any large-capacity  
6 magazine.

7 (3) Carries concealed upon his or her person any explosive  
8 substance, other than fixed ammunition.

9 (4) Carries concealed upon his or her person any dirk or  
10 dagger.

11 However, a first offense involving any metal military practice  
12 handgrenade or metal replica handgrenade shall be punishable  
13 only as an infraction unless the offender is an active participant  
14 in a criminal street gang as defined in the Street Terrorism and  
15 Enforcement and Prevention Act (Chapter 11 (commencing with  
16 Section 186.20) of Title 7 of Part 1). A bullet containing or  
17 carrying an explosive agent is not a destructive device as that  
18 term is used in Section 12301.

19 (b) Subdivision (a) does not apply to any of the following:

20 (1) The sale to, purchase by, or possession of *tasers*,  
21 short-barreled shotguns or short-barreled rifles by police  
22 departments, sheriffs' offices, marshals' offices, the California  
23 Highway Patrol, the Department of Justice, or the military or  
24 naval forces of this state or of the United States for use in the  
25 discharge of their official duties or the possession of *tasers*,  
26 short-barreled shotguns and short-barreled rifles by peace officer  
27 members of a police department, sheriff's office, marshal's  
28 office, the California Highway Patrol, or the Department of  
29 Justice when on duty and the use is authorized by the agency and  
30 is within the course and scope of their duties and the peace  
31 officer has completed a training course in the use of these  
32 weapons certified by the Commission on Peace Officer Standards  
33 and Training.

34 (2) The manufacture, possession, transportation or sale of  
35 short-barreled shotguns or short-barreled rifles when authorized  
36 by the Department of Justice pursuant to Article 6 (commencing  
37 with Section 12095) of this chapter and not in violation of federal  
38 law.

1 (3) The possession of a nunchaku on the premises of a school  
2 which holds a regulatory or business license and teaches the arts  
3 of self-defense.

4 (4) The manufacture of a nunchaku for sale to, or the sale of a  
5 nunchaku to, a school which holds a regulatory or business  
6 license and teaches the arts of self-defense.

7 (5) Any antique firearm. For purposes of this section, “antique  
8 firearm” means any firearm not designed or redesigned for using  
9 rimfire or conventional center fire ignition with fixed  
10 ammunition and manufactured in or before 1898 (including any  
11 matchlock, flintlock, percussion cap, or similar type of ignition  
12 system or replica thereof, whether actually manufactured before  
13 or after the year 1898) and also any firearm using fixed  
14 ammunition manufactured in or before 1898, for which  
15 ammunition is no longer manufactured in the United States and is  
16 not readily available in the ordinary channels of commercial  
17 trade.

18 (6) Tracer ammunition manufactured for use in shotguns.

19 (7) Any firearm or ammunition that is a curio or relic as  
20 defined in Section 478.11 of Title 27 of the Code of Federal  
21 Regulations and which is in the possession of a person permitted  
22 to possess the items pursuant to Chapter 44 (commencing with  
23 Section 921) of Title 18 of the United States Code and the  
24 regulations issued pursuant thereto. Any person prohibited by  
25 Section 12021, 12021.1, or 12101 of this code or Section 8100 or  
26 8103 of the Welfare and Institutions Code from possessing  
27 firearms or ammunition who obtains title to these items by  
28 bequest or intestate succession may retain title for not more than  
29 one year, but actual possession of these items at any time is  
30 punishable pursuant to Section 12021, 12021.1, or 12101 of this  
31 code or Section 8100 or 8103 of the Welfare and Institutions  
32 Code. Within the year, the person shall transfer title to the  
33 firearms or ammunition by sale, gift, or other disposition. Any  
34 person who violates this paragraph is in violation of subdivision  
35 (a).

36 (8) Any other weapon as defined in subsection (e) of Section  
37 5845 of Title 26 of the United States Code and which is in the  
38 possession of a person permitted to possess the weapons pursuant  
39 to the federal Gun Control Act of 1968 (Public Law 90-618), as  
40 amended, and the regulations issued pursuant thereto. Any

1 person prohibited by Section 12021, 12021.1, or 12101 of this  
 2 code or Section 8100 or 8103 of the Welfare and Institutions  
 3 Code from possessing these weapons who obtains title to these  
 4 weapons by bequest or intestate succession may retain title for  
 5 not more than one year, but actual possession of these weapons at  
 6 any time is punishable pursuant to Section 12021, 12021.1, or  
 7 12101 of this code or Section 8100 or 8103 of the Welfare and  
 8 Institutions Code. Within the year, the person shall transfer title  
 9 to the weapons by sale, gift, or other disposition. Any person  
 10 who violates this paragraph is in violation of subdivision (a). The  
 11 exemption provided in this subdivision does not apply to pen  
 12 guns.

13 (9) Instruments or devices that are possessed by federal, state,  
 14 and local historical societies, museums, and institutional  
 15 collections which are open to the public, provided that these  
 16 instruments or devices are properly housed, secured from  
 17 unauthorized handling, and, if the instrument or device is a  
 18 firearm, unloaded.

19 (10) Instruments or devices, other than short-barreled shotguns  
 20 or short-barreled rifles, that are possessed or utilized during the  
 21 course of a motion picture, television, or video production or  
 22 entertainment event by an authorized participant therein in the  
 23 course of making that production or event or by an authorized  
 24 employee or agent of the entity producing that production or  
 25 event.

26 (11) Instruments or devices, other than short-barreled shotguns  
 27 or short-barreled rifles, that are sold by, manufactured by,  
 28 exposed or kept for sale by, possessed by, imported by, or lent by  
 29 persons who are in the business of selling instruments or devices  
 30 listed in subdivision (a) solely to the entities referred to in  
 31 paragraphs (9) and (10) when engaging in transactions with those  
 32 entities.

33 (12) The sale to, possession of, or purchase of any weapon,  
 34 device, or ammunition, other than a short-barreled rifle or  
 35 short-barreled shotgun, by any federal, state, county, city and  
 36 county, or city agency that is charged with the enforcement of  
 37 any law for use in the discharge of their official duties, or the  
 38 possession of any weapon, device, or ammunition, other than a  
 39 short-barreled rifle or short-barreled shotgun, by peace officers

1 thereof when on duty and the use is authorized by the agency and  
2 is within the course and scope of their duties.

3 (13) Weapons, devices, and ammunition, other than a  
4 short-barreled rifle or short-barreled shotgun, that are sold by,  
5 manufactured by, exposed or kept for sale by, possessed by,  
6 imported by, or lent by, persons who are in the business of  
7 selling weapons, devices, and ammunition listed in subdivision  
8 (a) solely to the entities referred to in paragraph (12) when  
9 engaging in transactions with those entities.

10 (14) The manufacture for, sale to, exposing or keeping for sale  
11 to, importation of, or lending of wooden clubs or batons to  
12 special police officers or uniformed security guards authorized to  
13 carry any wooden club or baton pursuant to Section 12002 by  
14 entities that are in the business of selling wooden batons or clubs  
15 to special police officers and uniformed security guards when  
16 engaging in transactions with those persons.

17 (15) Any plastic toy handgrenade, or any metal military  
18 practice handgrenade or metal replica handgrenade that is a relic,  
19 curio, memorabilia, or display item, that is filled with a  
20 permanent inert substance or that is otherwise permanently  
21 altered in a manner that prevents ready modification for use as a  
22 grenade.

23 (16) Any instrument, ammunition, weapon, or device listed in  
24 subdivision (a) that is not a firearm that is found and possessed  
25 by a person who meets all of the following:

26 (A) The person is not prohibited from possessing firearms or  
27 ammunition pursuant to Section 12021 or 12021.1 or paragraph  
28 (1) of subdivision (b) of Section 12316 of this code or Section  
29 8100 or 8103 of the Welfare and Institutions Code.

30 (B) The person possessed the instrument, ammunition,  
31 weapon, or device no longer than was necessary to deliver or  
32 transport the same to a law enforcement agency for that agency's  
33 disposition according to law.

34 (C) If the person is transporting the listed item, he or she is  
35 transporting the listed item to a law enforcement agency for  
36 disposition according to law.

37 (17) Any firearm, other than a short-barreled rifle or  
38 short-barreled shotgun, that is found and possessed by a person  
39 who meets all of the following:

1 (A) The person is not prohibited from possessing firearms or  
2 ammunition pursuant to Section 12021 or 12021.1 or paragraph  
3 (1) of subdivision (b) of Section 12316 of this code or Section  
4 8100 or 8103 of the Welfare and Institutions Code.

5 (B) The person possessed the firearm no longer than was  
6 necessary to deliver or transport the same to a law enforcement  
7 agency for that agency's disposition according to law.

8 (C) If the person is transporting the firearm, he or she is  
9 transporting the firearm to a law enforcement agency for  
10 disposition according to law.

11 (D) Prior to transporting the firearm to a law enforcement  
12 agency, he or she has given prior notice to that law enforcement  
13 agency that he or she is transporting the firearm to that law  
14 enforcement agency for disposition according to law.

15 (E) The firearm is transported in a locked container as defined  
16 in subdivision (d) of Section 12026.2.

17 (18) The possession of any weapon, device, or ammunition, by  
18 a forensic laboratory or any authorized agent or employee thereof  
19 in the course and scope of his or her authorized activities.

20 (19) The sale of, giving of, lending of, importation into this  
21 state of, or purchase of, any large-capacity magazine to or by any  
22 federal, state, county, city and county, or city agency that is  
23 charged with the enforcement of any law, for use by agency  
24 employees in the discharge of their official duties whether on or  
25 off duty, and where the use is authorized by the agency and is  
26 within the course and scope of their duties.

27 (20) The sale to, lending to, transfer to, purchase by, receipt  
28 of, or importation into this state of, a large-capacity magazine by  
29 a sworn peace officer as defined in Chapter 4.5 (commencing  
30 with Section 830) of Title 3 of Part 2 who is authorized to carry a  
31 firearm in the course and scope of his or her duties.

32 (21) The sale or purchase of any large-capacity magazine to or  
33 by a person licensed pursuant to Section 12071.

34 (22) The loan of a lawfully possessed large-capacity magazine  
35 between two individuals if all of the following conditions are  
36 met:

37 (A) The person being loaned the large-capacity magazine is  
38 not prohibited by Section 12021, 12021.1, or 12101 of this code  
39 or Section 8100 or 8103 of the Welfare and Institutions Code  
40 from possessing firearms or ammunition.

1 (B) The loan of the large-capacity magazine occurs at a place  
2 or location where the possession of the large-capacity magazine  
3 is not otherwise prohibited and the person who lends the  
4 large-capacity magazine remains in the accessible vicinity of the  
5 person to whom the large-capacity magazine is loaned.

6 (23) The importation of a large-capacity magazine by a person  
7 who lawfully possessed the large-capacity magazine in the state  
8 prior to January 1, 2000, lawfully took it out of the state, and is  
9 returning to the state with the large-capacity magazine previously  
10 lawfully possessed in the state.

11 (24) The lending or giving of any large-capacity magazine to a  
12 person licensed pursuant to Section 12071, or to a gunsmith, for  
13 the purposes of maintenance, repair, or modification of that  
14 large-capacity magazine.

15 (25) The return to its owner of any large-capacity magazine by  
16 a person specified in paragraph (24).

17 (26) The importation into this state of, or sale of, any  
18 large-capacity magazine by a person who has been issued a  
19 permit to engage in those activities pursuant to Section 12079,  
20 when those activities are in accordance with the terms and  
21 conditions of that permit.

22 (27) The sale of, giving of, lending of, importation into this  
23 state of, or purchase of, any large-capacity magazine, to or by  
24 entities that operate armored vehicle businesses pursuant to the  
25 laws of this state.

26 (28) The lending of large-capacity magazines by the entities  
27 specified in paragraph (27) to their authorized employees, while  
28 in the course and scope of their employment for purposes that  
29 pertain to the entity's armored vehicle business.

30 (29) The return of those large-capacity magazines to those  
31 entities specified in paragraph (27) by those employees specified  
32 in paragraph (28).

33 (30) (A) The manufacture of a large-capacity magazine for  
34 any federal, state, county, city and county, or city agency that is  
35 charged with the enforcement of any law, for use by agency  
36 employees in the discharge of their official duties whether on or  
37 off duty, and where the use is authorized by the agency and is  
38 within the course and scope of their duties.

39 (B) The manufacture of a large-capacity magazine for use by a  
40 sworn peace officer as defined in Chapter 4.5 (commencing with



1 Section 830) of Title 3 of Part 2 who is authorized to carry a  
2 firearm in the course and scope of his or her duties.

3 (C) The manufacture of a large-capacity magazine for export  
4 or for sale to government agencies or the military pursuant to  
5 applicable federal regulations.

6 (31) The loan of a large-capacity magazine for use solely as a  
7 prop for a motion picture, television, or video production.

8 (32) The purchase of a large-capacity magazine by the holder  
9 of a special weapons permit issued pursuant to Section 12095,  
10 12230, 12250, 12286, or 12305, for any of the following  
11 purposes:

12 (A) For use solely as a prop for a motion picture, television, or  
13 video production.

14 (B) For export pursuant to federal regulations.

15 (C) For resale to law enforcement agencies, government  
16 agencies, or the military, pursuant to applicable federal  
17 regulations.

18 (c) (1) As used in this section, a “short-barreled shotgun”  
19 means any of the following:

20 (A) A firearm which is designed or redesigned to fire a fixed  
21 shotgun shell and having a barrel or barrels of less than 18 inches  
22 in length.

23 (B) A firearm which has an overall length of less than 26  
24 inches and which is designed or redesigned to fire a fixed  
25 shotgun shell.

26 (C) Any weapon made from a shotgun (whether by alteration,  
27 modification, or otherwise) if that weapon, as modified, has an  
28 overall length of less than 26 inches or a barrel or barrels of less  
29 than 18 inches in length.

30 (D) Any device which may be readily restored to fire a fixed  
31 shotgun shell which, when so restored, is a device defined in  
32 subparagraphs (A) to (C), inclusive.

33 (E) Any part, or combination of parts, designed and intended  
34 to convert a device into a device defined in subparagraphs (A) to  
35 (C), inclusive, or any combination of parts from which a device  
36 defined in subparagraphs (A) to (C), inclusive, can be readily  
37 assembled if those parts are in the possession or under the control  
38 of the same person.

39 (2) As used in this section, a “short-barreled rifle” means any  
40 of the following:

1 (A) A rifle having a barrel or barrels of less than 16 inches in  
2 length.

3 (B) A rifle with an overall length of less than 26 inches.

4 (C) Any weapon made from a rifle (whether by alteration,  
5 modification, or otherwise) if that weapon, as modified, has an  
6 overall length of less than 26 inches or a barrel or barrels of less  
7 than 16 inches in length.

8 (D) Any device which may be readily restored to fire a fixed  
9 cartridge which, when so restored, is a device defined in  
10 subparagraphs (A) to (C), inclusive.

11 (E) Any part, or combination of parts, designed and intended  
12 to convert a device into a device defined in subparagraphs (A) to  
13 (C), inclusive, or any combination of parts from which a device  
14 defined in subparagraphs (A) to (C), inclusive, may be readily  
15 assembled if those parts are in the possession or under the control  
16 of the same person.

17 (3) As used in this section, a “nunchaku” means an instrument  
18 consisting of two or more sticks, clubs, bars or rods to be used as  
19 handles, connected by a rope, cord, wire, or chain, in the design  
20 of a weapon used in connection with the practice of a system of  
21 self-defense such as karate.

22 (4) As used in this section, a “wallet gun” means any firearm  
23 mounted or enclosed in a case, resembling a wallet, designed to  
24 be or capable of being carried in a pocket or purse, if the firearm  
25 may be fired while mounted or enclosed in the case.

26 (5) As used in this section, a “cane gun” means any firearm  
27 mounted or enclosed in a stick, staff, rod, crutch, or similar  
28 device, designed to be, or capable of being used as, an aid in  
29 walking, if the firearm may be fired while mounted or enclosed  
30 therein.

31 (6) As used in this section, a “fléchette dart” means a dart,  
32 capable of being fired from a firearm, that measures  
33 approximately one inch in length, with tail fins that take up  
34 approximately five-sixteenths of an inch of the body.

35 (7) As used in this section, “metal knuckles” means any device  
36 or instrument made wholly or partially of metal which is worn  
37 for purposes of offense or defense in or on the hand and which  
38 either protects the wearer’s hand while striking a blow or  
39 increases the force of impact from the blow or injury to the  
40 individual receiving the blow. The metal contained in the device

1 may help support the hand or fist, provide a shield to protect it, or  
2 consist of projections or studs which would contact the individual  
3 receiving a blow.

4 (8) As used in this section, a “ballistic knife” means a device  
5 that propels a knifelike blade as a projectile by means of a coil  
6 spring, elastic material, or compressed gas. Ballistic knife does  
7 not include any device which propels an arrow or a bolt by  
8 means of any common bow, compound bow, crossbow, or  
9 underwater speargun.

10 (9) As used in this section, a “camouflaging firearm container”  
11 means a container which meets all of the following criteria:

12 (A) It is designed and intended to enclose a firearm.

13 (B) It is designed and intended to allow the firing of the  
14 enclosed firearm by external controls while the firearm is in the  
15 container.

16 (C) It is not readily recognizable as containing a firearm.

17 “Camouflaging firearm container” does not include any  
18 camouflaging covering used while engaged in lawful hunting or  
19 while going to or returning from a lawful hunting expedition.

20 (10) As used in this section, a “zip gun” means any weapon or  
21 device which meets all of the following criteria:

22 (A) It was not imported as a firearm by an importer licensed  
23 pursuant to Chapter 44 (commencing with Section 921) of Title  
24 18 of the United States Code and the regulations issued pursuant  
25 thereto.

26 (B) It was not originally designed to be a firearm by a  
27 manufacturer licensed pursuant to Chapter 44 (commencing with  
28 Section 921) of Title 18 of the United States Code and the  
29 regulations issued pursuant thereto.

30 (C) No tax was paid on the weapon or device nor was an  
31 exemption from paying tax on that weapon or device granted  
32 under Section 4181 and Subchapters F (commencing with  
33 Section 4216) and G (commencing with Section 4221) of  
34 Chapter 32 of Title 26 of the United States Code, as amended,  
35 and the regulations issued pursuant thereto.

36 (D) It is made or altered to expel a projectile by the force of an  
37 explosion or other form of combustion.

38 (11) As used in this section, a “shuriken” means any  
39 instrument, without handles, consisting of a metal plate having  
40 three or more radiating points with one or more sharp edges and

1 designed in the shape of a polygon, trefoil, cross, star, diamond,  
2 or other geometric shape for use as a weapon for throwing.

3 (12) As used in this section, an “unconventional pistol” means  
4 a firearm that does not have a rifled bore and has a barrel or  
5 barrels of less than 18 inches in length or has an overall length of  
6 less than 26 inches.

7 (13) As used in this section, a “belt buckle knife” is a knife  
8 which is made an integral part of a belt buckle and consists of a  
9 blade with a length of at least 2 ½ inches.

10 (14) As used in this section, a “lipstick case knife” means a  
11 knife enclosed within and made an integral part of a lipstick case.

12 (15) As used in this section, a “cane sword” means a cane,  
13 swagger stick, stick, staff, rod, pole, umbrella, or similar device,  
14 having concealed within it a blade that may be used as a sword or  
15 stiletto.

16 (16) As used in this section, a “shobi-zue” means a staff,  
17 crutch, stick, rod, or pole concealing a knife or blade within it  
18 which may be exposed by a flip of the wrist or by a mechanical  
19 action.

20 (17) As used in this section, a “leaded cane” means a staff,  
21 crutch, stick, rod, pole, or similar device, unnaturally weighted  
22 with lead.

23 (18) As used in this section, an “air gauge knife” means a  
24 device that appears to be an air gauge but has concealed within it  
25 a pointed, metallic shaft that is designed to be a stabbing  
26 instrument which is exposed by mechanical action or gravity  
27 which locks into place when extended.

28 (19) As used in this section, a “writing pen knife” means a  
29 device that appears to be a writing pen but has concealed within  
30 it a pointed, metallic shaft that is designed to be a stabbing  
31 instrument which is exposed by mechanical action or gravity  
32 which locks into place when extended or the pointed, metallic  
33 shaft is exposed by the removal of the cap or cover on the device.

34 (20) As used in this section, a “rifle” means a weapon  
35 designed or redesigned, made or remade, and intended to be fired  
36 from the shoulder and designed or redesigned and made or  
37 remade to use the energy of the explosive in a fixed cartridge to  
38 fire only a single projectile through a rifled bore for each single  
39 pull of the trigger.

1 (21) As used in this section, a “shotgun” means a weapon  
2 designed or redesigned, made or remade, and intended to be fired  
3 from the shoulder and designed or redesigned and made or  
4 remade to use the energy of the explosive in a fixed shotgun shell  
5 to fire through a smooth bore either a number of projectiles (ball  
6 shot) or a single projectile for each pull of the trigger.

7 (22) As used in this section, an “undetectable firearm” means  
8 any weapon which meets one of the following requirements:

9 (A) When, after removal of grips, stocks, and magazines, it is  
10 not as detectable as the Security Exemplar, by walk-through  
11 metal detectors calibrated and operated to detect the Security  
12 Exemplar.

13 (B) When any major component of which, when subjected to  
14 inspection by the types of X-ray machines commonly used at  
15 airports, does not generate an image that accurately depicts the  
16 shape of the component. Barium sulfate or other compounds may  
17 be used in the fabrication of the component.

18 (C) For purposes of this paragraph, the terms “firearm,”  
19 “major component,” and “Security Exemplar” have the same  
20 meanings as those terms are defined in Section 922 of Title 18 of  
21 the United States Code.

22 All firearm detection equipment newly installed in nonfederal  
23 public buildings in this state shall be of a type identified by either  
24 the United States Attorney General, the Secretary of  
25 Transportation, or the Secretary of the Treasury, as appropriate,  
26 as available state-of-the-art equipment capable of detecting an  
27 undetectable firearm, as defined, while distinguishing innocuous  
28 metal objects likely to be carried on one’s person sufficient for  
29 reasonable passage of the public.

30 (23) As used in this section, a “multiburst trigger activator”  
31 means one of the following devices:

32 (A) A device designed or redesigned to be attached to a  
33 semiautomatic firearm which allows the firearm to discharge two  
34 or more shots in a burst by activating the device.

35 (B) A manual or power-driven trigger activating device  
36 constructed and designed so that when attached to a  
37 semiautomatic firearm it increases the rate of fire of that firearm.

38 (24) As used in this section, a “dirk” or “dagger” means a  
39 knife or other instrument with or without a handguard that is  
40 capable of ready use as a stabbing weapon that may inflict great

1   bodily injury or death. A nonlocking folding knife, a folding  
2   knife that is not prohibited by Section 653k, or a pocketknife is  
3   capable of ready use as a stabbing weapon that may inflict great  
4   bodily injury or death only if the blade of the knife is exposed  
5   and locked into position.

6   (25) As used in this section, “large-capacity magazine” means  
7   any ammunition feeding device with the capacity to accept more  
8   than 10 rounds, but shall not be construed to include any of the  
9   following:

10   (A) A feeding device that has been permanently altered so that  
11   it cannot accommodate more than 10 rounds.

12   (B) A .22 caliber tube ammunition feeding device.

13   (C) A tubular magazine that is contained in a lever-action  
14   firearm.

15   (26) *As used in this section, “taser” means any mechanism*  
16   *that is designed to emit an electronic, magnetic, or other type of*  
17   *charge or shock through the use of a projectile, and is designed*  
18   *for the purpose of temporarily immobilizing a person by the*  
19   *infliction of that charge or shock.*

20   (d) Knives carried in sheaths which are worn openly  
21   suspended from the waist of the wearer are not concealed within  
22   the meaning of this section.

23   SEC. 2. Section 12602 is added to the Penal Code, to read:

24   12602. (a) Every law enforcement agency in California shall  
25   report monthly for the year 2006 to the Department of Justice as  
26   to whether the agency uses tasers, and if so, each time a taser is  
27   unholstered or otherwise employed for use by the officer  
28   involved shall submit an incident report that answers each of the  
29   following:

30   (1) Was the taser drawn, aimed and the laser sighting device  
31   activated by pointing it at someone.

32   (2) Was the taser used to deliver a charge or shock.

33   (3) What was the original reason for the officer contacting the  
34   suspect.

35   (4) What was the reason for using the taser.

36   (5) What was the manner in which the taser was used to  
37   deliver a shock.

38   (6) What was the number of shocks administered and the  
39   length of each shock.

40   (7) How effective was the use of the taser.

1 (8) Was the suspect arrested, and if so, on what charge.

2 (9) What was the age, gender, race, or ethnicity of the subject.

3 (10) Was the suspect believed to be under the influence of  
4 drugs or alcohol, as identified either before or after the event.

5 (11) Was the suspect believed to be suffering from mental  
6 illness, as identified either before or after the event.

7 (12) Was the officer injured in connection with the incident in  
8 which the taser was used.

9 (13) Was the suspect injured in connection with the incident in  
10 which the taser was used.

11 (14) What, if any, medical treatment did the suspect receive  
12 after the taser was used and by whom was it administered,  
13 specifying whether the suspect was treated and released from  
14 medical care or required hospital admission.

15 (b) Each law enforcement agency shall collect the following  
16 information for the year 2006, and shall, no later than March 1,  
17 2007, provide the following information to the Department of  
18 Justice:

19 (1) A complete copy of the departmental policies and  
20 protocols for taser use, including, but not limited to, who is  
21 supplied with a taser and the situations in which the use of a taser  
22 is authorized by under the department's use of force policy.

23 (2) What training is required of officers who are authorized to  
24 use the taser, including, but not limited to, the number of hours of  
25 training required, subjects covered, and who is responsible for  
26 conducting the training.

27 (3) The number of calls to which officers were dispatched and  
28 a taser was used, either by activating the laser targeting device or  
29 by administering a charge or shock.

30 (4) The number of times officers used a taser, either by  
31 activating the laser targeting device or administering a charge or  
32 shock, during a self-initiated activity.

33 (5) The race or ethnicity of the suspects upon whom the taser  
34 was used, either by activating the laser targeting device or  
35 administering a charge or shock, compared with the arrest rates  
36 for all subjects arrested or cited for a criminal offense during the  
37 same time period.

38 (6) The overall number of calls for service handled by patrol  
39 officers during the period.

1 (7) The number of injuries requiring hospital admission  
2 sustained by persons after being shocked with a taser.

3 (8) The number of deaths that occurred following a person  
4 being shocked with a taser.

5 (c) Following receipt of the data described above, the  
6 department shall collect and collate the data, and no later than  
7 July 1, 2007, submit a report to the Legislature that shall include  
8 the full protocols for training and use of tasers as submitted by  
9 each agency, as well as a reporting the responses to the items in  
10 subdivisions (a) and (b), collated by agency and statewide.

11 SEC. 3. Section 12650 of the Penal Code is amended to read:

12 12650. (a) "Stun gun" as used in this chapter shall include  
13 any item, except a taser, used or intended to be used as either an  
14 offensive or defensive weapon capable of temporarily  
15 immobilizing a person by the infliction of an electrical charge.

16 (b) *"Taser" as used in this chapter means any mechanism that*  
17 *is designed to emit an electronic, magnetic, or other type of*  
18 *charge or shock through the use of a projectile, and is designed*  
19 *for the purpose of temporarily immobilizing a person by the*  
20 *infliction of that charge or shock.*

21 SEC. 4. No reimbursement is required by this act pursuant to  
22 Section 6 of Article XIII B of the California Constitution for  
23 certain costs that may be incurred by a local agency or school  
24 district because, in that regard, this act creates a new crime or  
25 infraction, eliminates a crime or infraction, or changes the  
26 penalty for a crime or infraction, within the meaning of Section  
27 17556 of the Government Code, or changes the definition of a  
28 crime within the meaning of Section 6 of Article XIII B of the  
29 California Constitution.

30 However, if the Commission on State Mandates determines  
31 that this act contains other costs mandated by the state,  
32 reimbursement to local agencies and school districts for those  
33 costs shall be made pursuant to Part 7 (commencing with Section  
34 17500) of Division 4 of Title 2 of the Government Code.